

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Baltimore Division

YURY SHADRIN, *et al.*,

Plaintiffs

v.

STUDENT LOAN SOLUTIONS, LLC, *et al.*

Defendants

Case No. 1:20-cv-3641-CCB

**DEFENDANT FELDMAN & ASSOCIATES, P.C.'S MOTION TO DISMISS
THE FIRST AMENDED COMPLAINT, OR IN THE ALTERNATIVE MOTION
FOR SUMMARY JUDGMENT**

Defendant Feldman & Associates, P.C. ("Feldman"), by and through its attorneys, James E. Dickerman, Joseph M. Moeller, and Eccleston & Wolf, P.C., hereby moves this Honorable Court to dismiss the First Amended Complaint pursuant to Federal Rule of Civil Procedure Rule 12(b)(6), or, in the alternative, for summary judgment pursuant to Rule 56, and in support thereof, states as follows:

1. On November 17, 2020, Plaintiffs filed their initial Complaint asserting claims against Feldman under (1) the Fair Debt Collection Practices Act ("FDCPA"), (2) Maryland's Consumer Debt Collection Act ("MCDCA"), and (3) Maryland's Consumer Protection Act ("MCPA"). Additionally, Plaintiffs asserted a claim for declaratory and injunctive relief under Maryland's Declaratory Judgment Act and a separate cause of action entitled "claim for attorney's fees allowed by law," pursuant to Md. Rule 2-703(b).

2. Plaintiffs' claims in the initial Complaint were based on the contention that Feldman had (1) filed lawsuits against them that were barred by the statute of limitations because

their loans had been previously accelerated, and (2) sent a letter to them that improperly requested collection of attorney's fees that had not been earned and court costs.

3. In response to the Complaint, Feldman filed a Motion to Dismiss, or in the Alternative, Motion for Summary Judgment that set forth the numerous deficiencies in Plaintiffs' claims.

4. Instead of filing a substantive response to Feldman's Motion, Plaintiffs filed an Amended Complaint that failed to correct the deficiencies set forth in Feldman's Motion and asserted new claims against Feldman.

5. Specifically, the First Amended Complaint asserted that Feldman was responsible for alleged servicing errors that occurred before he was retained and that he was liable under the FDCPA, MCDCA and MCPA for suing Plaintiffs for amounts **less** than they acknowledge they owe.

6. None of the claims in the First Amended Complaint state a claim upon which relief may be granted.

7. Feldman incorporates by reference his previously filed Motion and supporting Memorandum and the attached Memorandum of Law, as if they were forth fully herein.

WHEREFORE, based upon the foregoing and the attached, incorporated Memoranda of Law in Support and the exhibits attached thereto, Feldman respectfully requests that this Honorable Court dismiss the First Amended Complaint as to Feldman with prejudice, or in the alternative, grant summary judgment in Feldman's favor on all claims, and for any such further relief as the Court may deem just and proper.

REQUEST FOR HEARING

Defendant Feldman & Associates, P.C. hereby requests a hearing on this Motion to Dismiss the Amended Complaint, or in the alternative Motion for Summary Judgment.

Dated: April 14, 2021

Respectfully submitted,

/s/ James E. Dickerman

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 14th, 2021, copies the foregoing DEFENDANT FELDMAN & ASSOCIATES, P.C.'S MOTION TO DISMISS THE FIRST AMENDED COMPLAINT, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT was served electronically through the Court's ECF system upon:

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